

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
V. Sandig, et al. ) Group Art Unit: 1633  
Application No.: 10/578,043 ) Examiner: Leavitt, M.G.  
Filed: January 9, 2008 ) Confirmation No.: 5415  
For: Immortalized Avian Cell Lines for Virus )  
Production )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION REGARDING 12A07-A10 (DSM-ACC2695)  
CELL LINE DEPOSIT UNDER 37 CFR §1.808

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

*Volker Sandig* as Chief Scientific Officer for ProBioGen AG, the assignee of the above-referenced application, hereby declare that the cell line 12A07-A10 (DSM-ACC2695) have been deposited under the terms of the Budapest Treaty with the DSMZ-Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH (DSMZ), Mascheroder Weg 1b, D-38124 Braunschweig, Germany, on October 20, 2004. The Deposit Receipt is attached as Exhibit A. The viability of the cells were tested on October 25, 2004. The Viability Report is attached as Exhibit B. The cell line has been assigned Accession Number DSM-ACC2695. All

restrictions imposed by the depositor on the availability to the public of the deposited cell line will be irrevocably removed upon the granting of a patent.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: 09/05/2014

  
\_\_\_\_\_  
Printed Name \_\_\_\_\_  
Reg. No. HRB 747150  
ProBioGen AG  
Goethestr. 54  
13086 Berlin  
Germany

Dr. Volker Sandig  
CSO

# Exhibit A

BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

**DSMZ**

Deutsche Sammlung von  
Mikroorganismen und  
Zellkulturen GmbH



INTERNATIONAL FORM

ProBioGen AG

Goethestr. 54

13086 Berlin

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT  
issued pursuant to Rule 7.i by the  
INTERNATIONAL DEPOSITORY AUTHORITY  
identified at the bottom of this page

|  |   |
|--|---|
| I. IDENTIFICATION OF THE MICROORGANISM   |   |
| <input checked="" type="checkbox"/> Identification reference given by the DEPOSITOR:<br>12A07-A10  | Accession number given by the<br>INTERNATIONAL DEPOSITORY AUTHORITY:<br>DSM ACC2695   |
| II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION   |   |
| <p>The microorganism identified under I. above was accompanied by:</p> <p>( <input checked="" type="checkbox"/> ) a scientific description<br/>( <input type="checkbox"/> ) a proposed taxonomic designation</p> <p>(Mark with a cross where applicable).</p>  |   |
| III. RECEIPT AND ACCEPTANCE  |   |
| <p>This International Depository Authority accepts the microorganism identified under I. above, which was received by it on 2004-10-20<br/>(Date of the original deposit)<sup>1</sup>.</p>   |   |
| IV. RECEIPT OF REQUEST FOR CONVERSION  |   |
| <p>The microorganism identified under I. above was received by this International Depository Authority on _____<br/>and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on _____<br/>(date of original deposit)<br/>(date of receipt of request)</p> |   |
| V. INTERNATIONAL DEPOSITORY AUTHORITY  |   |
| Name: DSMZ-DEUTSCHE SAMMLUNG VON<br>MIKROORGANISMEN UND ZELLKULTUREN GmbH<br><br>Address: Mascheroder Weg 1b<br>D-38124 Braunschweig   | Signature(s) of person(s) having the power to represent the<br>International Depository Authority or of authorized official(s);<br><br><br>Date: 2004-11-03 |

<sup>1</sup> Where Rule 6.4 (d) applies, such date is the date on which the status of international depository authority was acquired.

# Exhibit B

BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

**DSMZ**

Deutsche Sammlung von  
Mikroorganismen und  
Zellkulturen GmbH

INTERNATIONAL FORM

ProBioGen AG  
Goethestr. 54  
13086 Berlin

**VIABILITY STATEMENT**  
issued pursuant to Rule 10.2 by the  
**INTERNATIONAL DEPOSITORY AUTHORITY**  
identified at the bottom of this page

|   |  |   |
|---|--|---|
| <b>I. DEPOSITOR</b>   |  | <b>II. IDENTIFICATION OF THE MICROORGANISM</b>  |
| Name: ProBioGen AG<br>Goethestr. 54<br>Address: 13086 Berlin  |  | Accession number given by the<br><b>INTERNATIONAL DEPOSITORY AUTHORITY:</b><br>DSM ACC2695<br>Date of the deposit or the transfer <sup>1</sup> :<br>2004-10-20  |
| <b>III. VIABILITY STATEMENT</b>   |  |   |
| The viability of the microorganism identified under II above was tested on      2004-10-25      .<br>On that date, the said microorganism was |  |   |
| <input checked="" type="checkbox"/> <sup>2</sup> viable<br><input type="checkbox"/> <sup>3</sup> no longer viable                             |  |   |
| <b>IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED<sup>4</sup></b>   |  |   |
|   |  |   |
| <b>V. INTERNATIONAL DEPOSITORY AUTHORITY</b>  |  |   |
| Name: DSMZ-DEUTSCHE SAMMLUNG VON<br>MIKROORGANISMEN UND ZELLKULTUREN GmbH<br>Address: Mascheroder Weg 1b<br>D-38124 Braunschweig              |  | Signature(s) of person(s) having the power to represent the<br>International Depository Authority or of authorized official(s):<br><br>Date: 2004-11-03 |

<sup>1</sup> Indicate the date of original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

<sup>2</sup> In the cases referred to in Rule 10.2(a) (ii) and (iii), refer to the most recent viability test.

<sup>3</sup> Mark with a cross the applicable box.

<sup>4</sup> Fill in if the information has been requested and if the results of the test were negative.